

From: Witt, Jon  
Sent: Thursday, August 01, 2019 09:01 PM  
To: Marsh, Karen; Hambrick, Amy; Mia, Marcia  
Subject: RE: 0000a Question

## Ex. 5 Deliberative Process (DP)

Jonathan

From: Marsh, Karen <Marsh.Karen@epa.gov>  
Sent: Thursday, August 01, 2019 2:55 PM  
To: Hambrick, Amy <Hambrick.Amy@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>  
Subject: RE: 0000a Question

## Ex. 5 Deliberative Process (DP)

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Karen R. Marsh, PE

US EPA, OAQPS, Sectors Policies and Programs Division

Fuels and Incineration Group

109 TW Alexander Drive, Mail Code E143-05

Research Triangle Park, NC 27711

Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Hambrick, Amy <Hambrick.Amy@epa.gov>  
Sent: Thursday, August 01, 2019 2:46 PM  
To: Mia, Marcia <Mia.Marcia@epa.gov>; Marsh, Karen <Marsh.Karen@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>  
Subject: FW: 0000a Question

All- This question originally came in a few weeks ago. I don't think I fully appreciated the nuance of the question so I am glad that Jonathan from WV is asking again and is providing some additional information.

Question: How does 0000a treat relocated sources?

Situation:

Owner/operator installed one (and only) compressor at a compressor station in 2017. The compressor was manufactured in July 2007 and seems to have been previously installed and operated elsewhere by original purchaser. Now compressor has new owner and is relocated to the new station (2017). Does 0000a apply?

Background Found:

Attached 2014 AD from R6 stating 0000 does not apply to relocated sources because it doesn't trigger definition of modification.

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Comment: Several commenters

oppose the proposal in 40 CFR

60.5365(b) and (c) that a reciprocating

compressor be considered as

'commenced construction' on the date

of installation at a facility. Commenters

argue that the EPA was 'arbitrary and

capricious' in proposing to apply the

concept of 'commenced construction'

in the NSPS context to a relocated

compressor, because the agency had no

'reasoned explanation' for making the

change and that applying the concept of

'commenced construction' to a

relocated compressor is contrary to the

plain language of the CAA.

Response: The EPA traditionally

defines the term ''commence construction,'' as it applies to an equipment, to mean the time an owner or operator has entered into a contractual obligation to acquire the equipment. This is reflected in the definition of ''commenced'' in the General Provisions at 40 CFR 60.2, as well as in the relevant NSPS (see, e.g., 40 CFR 60.4230(a) of subpart JJJJ). We, therefore, agree with the commenters that our proposed definition of ''commence construction'' in 40 CFR 60.5365(b) and 40 CFR 60.5365(c) as the time of installation is a deviation from our traditional view. Upon reviewing the comments and re-evaluating the proposed definition, we conclude that there is no discernible difference between the compressors at issue and other equipment subject to NSPS that would make such deviation necessary or appropriate in this case. We have, therefore, removed these specific definitions of ''commence construction'' in 40 CFR 60.5365(b) and 40 CFR 60.5365(c) in the final rule. The NSPS also does not apply to

relocated compressors. As provided in  
the NSPS General Provisions at 40 CFR  
60.14(e)(6), relocation of an existing  
facility is not modification.

Amy's thoughts:

## Ex. 5 Deliberative Process (DP)

Do others have initial thoughts?

Thanks,

Amy

Amy Hambrick

U.S. Environmental Protection Agency

(919) 541-0964

From: Hambrick, Amy  
Sent: Thursday, August 01, 2019 2:17 PM  
To: Carney, Jonathan W <Jonathan.W.Carney@wv.gov>  
Subject: RE: 0000a Question

Jonathan-

Thanks for your email. I don't think I fully appreciated the nuance of your question the first time you wrote. My apologies. Let me dig into the "relocation" aspect and get back to you.

Regards,

Amy

Amy Hambrick

U.S. Environmental Protection Agency

(919) 541-0964

From: Carney, Jonathan W <Jonathan.W.Carney@wv.gov>

Sent: Tuesday, July 30, 2019 8:55 AM

To: Hambrick, Amy <Hambrick.Amy@epa.gov>

Subject: RE: 0000a Question

Ms. Hambrick,

After re-reading my previous e-mail I thought I made it seem like this was the initial installation of the compressor so I thought I should offer more detail about this situation.

The applicant has installed a compressor that was manufactured in 2007. The applicant is assuming that the compressor was installed at another facility some time shortly after this date in 2007 (pre-0000a applicability date) by the original purchaser and is arguing that the compressor is not subject to 0000a. The applicant provided me with an EPA determination letter (see attachment). In the footnote number one (1) of this letter it is cited that the purchase and ship dates and installation/operation dates were provided. I have requested that the applicant provide evidence of the date when the original purchaser executed the purchase contract of the compressor and evidence that the compressor was not modified or reconstructed at any time in which it may have become an affected facility. I assert that if the applicant is unable to provide this information then the compressor is subject to the rod packing and fugitive emissions requirements at 40 CFR Part 60 Subpart 0000a. Do you agree with this assertion?

Sincerely,

Jonathan Carney, P.E.

WV Department of Environmental Protection

Jonathan.W.Carney@wv.gov

(304) 926-0499 ext. 1203

601 57th Street SE  
Charleston, WV 25304

From: Hambrick, Amy <Hambrick.Amy@epa.gov>  
Sent: Monday, July 15, 2019 4:55 PM  
To: Carney, Jonathan W <Jonathan.W.Carney@wv.gov>  
Subject: RE: 0000a Question

Jonathan,

Thank you for your inquiry. Based on the information you shared, the compressor (located at a compressor station) would have to be in compliance with the rod packing and fugitive emissions requirements at 40 CFR part 60 subpart 0000a.

Regards,

Amy Hambrick

U.S. Environmental Protection Agency

(919) 541-0964

From: Carney, Jonathan W <Jonathan.W.Carney@wv.gov>  
Sent: Monday, July 08, 2019 2:16 PM  
To: Hambrick, Amy <Hambrick.Amy@epa.gov>  
Subject: 0000a Question

Ms. Hambrick,

An applicant has installed a reciprocating compressor at a compressor station. This is the initial construction of the compressor station and this is the only compressor located at this site. The manufactured date of the compressor is July 2007. The compressor was installed at the site in 2017. Is the compressor subject to the 0000a rod packing requirements?

Jonathan Carney

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